

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 310 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-23-17 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]:
- 6 **Chapter 17. Election of Governing Body Members in**
- 7 **Mishawaka**
- 8 **Sec. 1. IC 20-23-8 does not apply to:**
- 9 **(1) a school corporation; or**
- 10 **(2) the governing body of a school corporation;**
- 11 **covered by this chapter.**
- 12 **Sec. 2. As used in this chapter, "school corporation" means a**
- 13 **school corporation for a city having a population of more than**
- 14 **forty-six thousand five hundred (46,500) but less than fifty**
- 15 **thousand (50,000).**
- 16 **Sec. 3. (a) The governing body of the school corporation consists**
- 17 **of five (5) members elected as follows:**
- 18 **(1) On a nonpartisan basis.**
- 19 **(2) In a general election held in the county.**
- 20 **(b) The members shall be elected at large by the voters of the**
- 21 **school corporation.**
- 22 **Sec. 4. (a) An individual who wants to be elected to the**
- 23 **governing body must be an eligible voter who resides within the**
- 24 **school corporation.**
- 25 **(b) An individual who wants to be elected to the governing body**

1 must file a petition of nomination with the circuit court clerk of the  
2 county not earlier than one hundred four (104) days and not later  
3 than noon seventy-four (74) days before the election at which the  
4 members are to be elected.

5 (c) A candidate's petition of nomination must include the  
6 following information:

7 (1) The name of the candidate.

8 (2) The signatures of at least one hundred (100) registered  
9 voters residing in the school corporation.

10 (3) A certification that the prospective candidate meets the  
11 qualifications for candidacy imposed by this chapter.

12 Sec. 5. Only eligible voters residing in the school corporation  
13 may vote for a candidate.

14 Sec. 6. (a) The number of candidates:

15 (1) to be elected at the election; and

16 (2) who receive the greatest number of votes in the school  
17 corporation;

18 are elected to the governing body.

19 Sec. 7. The state board, with assistance from the county election  
20 board, shall establish:

21 (1) balloting procedures under IC 3 for the election; and

22 (2) all other procedures required to implement this chapter.

23 Sec. 8. The term of each individual elected to serve on the  
24 governing body:

25 (1) is four (4) years; and

26 (2) begins the January 1 that next follows the individual's  
27 election.

28 Sec. 9. The governing body shall temporarily fill a vacancy on  
29 the governing body as soon as practicable after the vacancy occurs.

30 Sec. 10. Before August 1 of each year, the school corporation  
31 shall file with the state superintendent a list of the:

32 (1) names and addresses of members of the school  
33 corporation's governing body;

34 (2) names and addresses of the school corporation's officers;  
35 and

36 (3) expiration dates of the terms of the school corporation's  
37 members and officers.

38 The school corporation shall file any change in the list not later  
39 than thirty (30) days after the change occurs."

40 Page 2, after line 12, begin a new paragraph and insert:

41 "SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this  
42 SECTION, "school corporation" refers to the school corporation  
43 for a city having a population of more than forty-six thousand five  
44 hundred (46,500) but less than fifty thousand (50,000).

45 (b) Notwithstanding any other law, the term of office of a  
46 member of the governing body of the school corporation serving on

1 **December 31, 2006, expires January 1, 2007.**

2 **(c) The successors of the members of the governing body shall**  
3 **be elected at the November 2006 general election under**  
4 **IC 20-23-17, as added by this act.**

5 **(d) Notwithstanding IC 20-23-17-8, as amended by this act, the**  
6 **term of office of each member of the governing body elected under**  
7 **this SECTION is as follows:**

8 **(1) The two (2) candidates who receive the highest number**  
9 **and the second highest number of votes respectively among all**  
10 **candidates in the election are elected for a four (4) year term,**  
11 **beginning January 1, 2007.**

12 **(2) The three (3) candidates who receive the third highest,**  
13 **fourth highest, and fifth highest number of votes respectively**  
14 **among all the candidates in the election are elected for a two**  
15 **(2) year term, beginning January 1, 2007.**

16 **The successors of the members of the governing body elected under**  
17 **subdivision (2) shall be elected at the November 2008 general**  
18 **election. The members of the governing body elected at the 2008**  
19 **general election and thereafter serve a term of office of four (4)**  
20 **years.**

21 **(e) IC 3 and IC 20-23-17, as added by this act, apply to the**  
22 **elections required under this SECTION to the extent that those**  
23 **statutes are not inconsistent with this SECTION.**

24 **(f) This SECTION expires January 1, 2011.**

25 **SECTION 4. An emergency is declared for this act."**

26 **Re-number all SECTIONS consecutively.**

**(Reference is to ESB 310 as printed February 14, 2006.)**

---

Representative Fry